

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7371

BILL NUMBER: HB 1278

NOTE PREPARED: Feb 23, 2009

BILL AMENDED: Feb 19, 2009

SUBJECT: Water Nuisances.

FIRST AUTHOR: Rep. Smith M

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill provides that a person who unreasonably improves the person's land by knowingly collecting, concentrating, and discharging the diffused surface water from the person's land as a body on a neighboring property so that the water stands on another person's land in an unusual quantity for a prolonged period or passes into or over another person's land in a large quantity is liable for the actual damage caused to the other person by the unreasonable altered flow of diffused surface water. The bill permits a person whose land is damaged by the neighboring landowner's actions to bring an action to abate or enjoin the unreasonable improvement that caused the altered flow of water. The bill specifies that this law (1) does not limit the availability of other civil remedies for damages caused by water; and (2) does not apply to a person engaged in building Class 2 structures or developing land for residential purposes with appropriate local drainage approval.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The proposal could result in an increase in legal action and court activity at the local level which could increase local expenditures. The impact is indeterminable.

Explanation of Local Revenues: An increase in legal action could also result in an increase in fees collected by local courts. The specific impact is indeterminable.

State Agencies Affected:

Local Agencies Affected: Local courts.

Information Sources:

Fiscal Analyst: Bernadette Bartlett, 317-232-9586.